

103^D CONGRESS
2^D SESSION

S. 2350

To establish a Meat, Poultry, and Eggs Inspection Agency to administer the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, to expand the application of such Acts, to provide for the establishment of safe cooking standards for meat and poultry products, to improve scientific research and understanding of foodborne illnesses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2 (legislative day, JULY 20), 1994

Mr. BRADLEY (for himself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To establish a Meat, Poultry, and Eggs Inspection Agency to administer the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, to expand the application of such Acts, to provide for the establishment of safe cooking standards for meat and poultry products, to improve scientific research and understanding of foodborne illnesses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Katie O’Connell Safe
3 Food Act”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—MEAT, POULTRY, AND EGGS INSPECTION AGENCY

SUBTITLE A—ESTABLISHMENT AND AUTHORITIES OF AGENCY

Sec. 101. Establishment of Meat, Poultry, and Eggs Inspection Agency.

Sec. 102. Director of Meat, Poultry, and Eggs Inspection.

Sec. 103. General authorities of the Director.

Sec. 104. Bureau for Improved Inspection Capabilities.

Sec. 105. Rules.

SUBTITLE B—TRANSITIONAL PROVISIONS

Sec. 111. Termination of Food Safety and Inspection Service and transfer of
assets, appropriations, and personnel to the Agency.

Sec. 112. Clarification of authority of Director to administer the Federal Meat
Inspection Act.

Sec. 113. Clarification of authority of Director to administer the Poultry Prod-
ucts Inspection Act.

Sec. 114. Clarification of authority of Director to administer the Egg Products
Inspection Act.

Sec. 115. Office of Inspector General of the Agency.

SUBTITLE C—OTHER MATTERS

Sec. 121. Definitions.

TITLE II—EXPANSION OF FOODS COVERED BY INSPECTION
LAWS

Sec. 201. Coverage of additional meats under the Federal Meat Inspection Act.

Sec. 202. Coverage of additional poultry under the Poultry Products Inspection
Act.

TITLE III—ESTABLISHMENT AND ENFORCEMENT OF SAFE
COOKING STANDARDS FOR MEAT AND POULTRY PRODUCTS

Sec. 301. Establishment of safe cooking standards.

Sec. 302. Enforcement of safe cooking standards.

Sec. 303. Civil penalty for violations of safe cooking standards.

Sec. 304. Effect on State and local laws.

Sec. 305. Whistleblower protections.

Sec. 306. Definitions.

TITLE IV—EPIDEMIOLOGICAL ACTIVITIES REGARDING
FOODBORNE DISEASES

Sec. 401. Epidemiological activities.

TITLE V—RESEARCH ON TREATMENT OF FOODBORNE DISEASES

Sec. 501. Research on treatment; National Institute of Diabetes and Digestive
and Kidney Diseases.

1 **TITLE I—MEAT, POULTRY, AND**
2 **EGGS INSPECTION AGENCY**
3 **Subtitle A—Establishment and**
4 **Authorities of Agency**

5 **SEC. 101. ESTABLISHMENT OF MEAT, POULTRY, AND EGGS**
6 **INSPECTION AGENCY.**

7 (a) ESTABLISHMENT OF AGENCY.—There is estab-
8 lished in the executive branch an agency to be known as
9 the “Meat, Poultry, and Eggs Inspection Agency”. The
10 Agency shall be an independent establishment, as defined
11 in section 104 of title 5, United States Code.

12 (b) RESPONSIBILITIES OF AGENCY.—The Agency
13 shall be responsible for the implementation and adminis-
14 tration of—

15 (1) the Federal Meat Inspection Act (21 U.S.C.
16 601 et seq.);

17 (2) the Poultry Products Inspection Act (21
18 U.S.C. 451 et seq.);

19 (3) the Egg Products Inspection Act (21 U.S.C.
20 1031 et seq.);

1 (4) the establishment and enforcement pursu-
2 ant to title III of safe cooking standards for the
3 preparation of meat and poultry products at res-
4 taurants and other retail food establishments; and

5 (5) such other inspection, research, and over-
6 sight authorities regarding meat, poultry products,
7 and eggs inspection as may be provided to the Agen-
8 cy by this Act or other laws.

9 **SEC. 102. DIRECTOR OF MEAT, POULTRY, AND EGGS IN-**
10 **SPECTION.**

11 (a) APPOINTMENT.—There shall be at the head of the
12 Agency a Director of Meat, Poultry, and Eggs Inspection
13 who shall be appointed by the President, by and with the
14 advice and consent of the Senate. The Agency and the in-
15 spection laws shall be administered under the supervision
16 and direction of the Director.

17 (b) COMPENSATION.—Section 5313 of title 5, United
18 States Code, is amended by adding at the end the follow-
19 ing:

20 “Director of Meat, Poultry, and Eggs Inspec-
21 tion.”.

22 **SEC. 103. GENERAL AUTHORITIES OF THE DIRECTOR.**

23 (a) ASSISTANT DIRECTORS.—

24 (1) APPOINTMENT.—The Director may appoint
25 not more than 8 assistant directors of the Agency,

1 who shall perform such supervisory and administra-
2 tive duties with respect to the Agency and the in-
3 spection laws as the Director considers appropriate.

4 (2) COMPENSATION.—Section 5315 of title 5,
5 United States Code, is amended by adding at the
6 end the following:

7 “Assistant Directors, Meat, Poultry, and Eggs
8 Inspection Agency.”.

9 (b) OFFICERS AND EMPLOYEES.—The Director may
10 appoint officers and employees for the Agency in accord-
11 ance with the provisions of title 5, United States Code,
12 relating to appointment in the competitive service, and fix
13 the compensation of the officers and employees in accord-
14 ance with chapter 51 and with subchapter III of chapter
15 53 of such title, relating to classification and General
16 Schedule pay rates.

17 (c) DETAIL OF PERSONNEL OF OTHER AGENCIES.—
18 The Director may enter into agreements with other Fed-
19 eral agencies, in particular the Department of Agriculture,
20 under which officers or employees of the agencies may be
21 detailed to the Agency. The detailing of an officer or em-
22 ployee of another agency under this subsection shall be
23 made without prejudice to the status or advancement of
24 the officer or employee within the other agency.

1 (d) ADDITIONAL AGREEMENTS WITH OTHER AGEN-
2 CIES.—The Director may utilize or employ the services,
3 personnel, equipment, or facilities of any other Federal
4 agency, with the consent of the head of the agency con-
5 cerned, to perform such functions on behalf of the Agency
6 as the Director considers appropriate.

7 (e) EXPERTS AND CONSULTANTS.—The Director
8 may procure the services of experts and consultants as au-
9 thorized by section 3109 of title 5, United States Code,
10 and pay in connection with the services travel expenses
11 of individuals, including transportation and per diem in
12 lieu of subsistence while away from the homes or regular
13 places of business of the individuals, as authorized by sec-
14 tion 5703 of such title.

15 (f) BUREAUS, OFFICES, AND DIVISIONS.—The Direc-
16 tor may establish within the Agency such bureaus, offices,
17 and divisions as the Director may determine to be nec-
18 essary to discharge the responsibilities of the Agency, in-
19 cluding an Office of the General Counsel.

20 (g) REGIONAL AND FIELD OFFICES.—The Director
21 may establish, alter, discontinue, or maintain such re-
22 gional or other field offices as the Director may determine
23 to be necessary to carry out the functions vested in the
24 Director or other officials of the Agency.

1 **SEC. 104. BUREAU FOR IMPROVED INSPECTION CAPABILI-**
2 **TIES.**

3 (a) ESTABLISHMENT.—There is established within
4 the Agency an entity to be known as the “Bureau for Im-
5 proved Inspection Capabilities”, which shall support ef-
6 forts to develop modern scientific techniques to improve
7 the inspection of meat, poultry, and eggs under the inspec-
8 tion laws and to incorporate the techniques into the in-
9 spection practices used by the Agency.

10 (b) BUREAU DIRECTOR.—The Director shall des-
11 ignate 1 of the assistant directors of the Agency appointed
12 under section 103(a) to serve as director of the Bureau.
13 The director of the Bureau shall report directly to the Di-
14 rector.

15 (c) ADVISORY COMMISSION ON INSPECTION.—

16 (1) APPOINTMENT AND DUTIES.—The Director
17 shall appoint an advisory commission to make rec-
18 ommendations to the Director regarding methods to
19 improve inspection techniques used to carry out the
20 inspection laws, including improving the reliability of
21 the inspections. The commission shall also perform
22 such other advisory or investigative duties as may be
23 assigned to the commission by this section or the Di-
24 rector.

25 (2) MEMBERS.—The members of the commis-
26 sion shall consist of—

1 (A) representatives of the meat, poultry,
2 and egg industries;

3 (B) scientists who are experts in the field
4 of food safety; and

5 (C) government officials who are actively
6 involved in meat, poultry, or eggs inspection at
7 the Federal or State level.

8 (3) TIME PERIOD FOR FIRST RECOMMENDA-
9 TIONS.—Not later than 180 days after the date on
10 which the commission is first appointed, the commis-
11 sion shall present the Director with a list of rec-
12 ommendations regarding methods for improving cur-
13 rent meat, poultry, and eggs inspection techniques.

14 (d) GRANT AND CONTRACT AUTHORITY FOR RE-
15 SEARCH.—The Director may make grants to, and enter
16 into contracts with, State and local governments, institu-
17 tions of higher education, and nonprofit research organiza-
18 tions for the purpose of promoting research to evaluate
19 the feasibility of implementing recommendations submit-
20 ted by the commission under subsection (c). Grants and
21 contracts under this subsection shall be made by the Di-
22 rector on a competitive basis in consultation with the Bu-
23 reau and the commission. The commission shall review
24 and evaluate research conducted with assistance provided
25 under this subsection.

1 (e) IMPLEMENTATION OF RESULTS.—The Director
 2 may prescribe rules to carry out any recommendations
 3 submitted by the commission under subsection (c) that the
 4 Director determines have potential for improving inspec-
 5 tion techniques or reliability under the inspection laws.

6 **SEC. 105. RULES.**

7 The Director may prescribe, in accordance with chap-
 8 ters 5 and 6 of title 5, United States Code, such rules
 9 as the Director determines to be necessary or appropriate
 10 to administer and manage the functions of the Agency.

11 **Subtitle B—Transitional Provisions**

12 **SEC. 111. TERMINATION OF FOOD SAFETY AND INSPECTION**

13 **SERVICE AND TRANSFER OF ASSETS, APPRO-**
 14 **PRIATIONS, AND PERSONNEL TO THE**
 15 **AGENCY.**

16 (a) TERMINATION OF SERVICE.—As soon as the Sec-
 17 retary of Agriculture determines is practicable, the Sec-
 18 retary shall terminate the activities of the Food Safety and
 19 Inspection Service of the Department of Agriculture to the
 20 extent the activities relate to the administration or oper-
 21 ation of the inspection laws.

22 (b) TRANSFER OF ASSETS AND FUNDS.—Consistent
 23 with section 1531 of title 31, United States Code, the as-
 24 sets, liabilities, contracts, property, records, and unex-
 25 pended balances of appropriations, authorizations, alloca-

1 tions, and other funds of the Food Safety and Inspection
2 Service used in connection with the administration or op-
3 eration of the inspection laws shall be transferred to the
4 Agency not later than the date of the termination of the
5 Food Safety and Inspection Service under subsection (a).
6 Unexpended funds transferred pursuant to this subsection
7 shall be used by the Director only for the purposes for
8 which the funds were originally authorized and appro-
9 priated.

10 (c) TRANSFER OF PERSONNEL.—During the period
11 beginning on the date of enactment of this Act and ending
12 on the termination of the Food Safety and Inspection
13 Service under subsection (a), the Secretary of Agriculture
14 shall transfer to the Agency the officers and employees
15 of the Food Safety and Inspection Service who perform
16 duties in connection with the administration or operation
17 of the inspection laws.

18 (d) EFFECT OF TRANSFER ON PERSONNEL.—The
19 transfer under subsection (c) of any full-time employee
20 (except a special Federal employee) and part-time em-
21 ployee holding a permanent position shall not cause the
22 employee to be separated or reduced in grade or com-
23 pensation during the 1-year period beginning on the date
24 of the transfer of the employee under subsection (c). Any
25 person who, on the day preceding the date of enactment

1 of this Act, held a position compensated in accordance
2 with the Executive Schedule prescribed in chapter 53 of
3 title 5, United States Code, and who, without a break in
4 service, is appointed in the Agency to a position having
5 duties comparable to the duties performed immediately
6 preceding the appointment shall continue to be com-
7 pensated in the new position at not less than the rate pro-
8 vided for the previous position, for the duration of the
9 service of the person in the new position.

10 (e) REFERENCES.—After the termination of the Food
11 Safety and Inspection Service under subsection (a), any
12 reference in any other Federal law, Executive order, rule,
13 regulation, document, or other material to the Food Safety
14 and Inspection Service in connection with the administra-
15 tion or operation of the inspection laws shall be considered
16 to be a reference to the Agency.

17 **SEC. 112. CLARIFICATION OF AUTHORITY OF DIRECTOR TO**
18 **ADMINISTER THE FEDERAL MEAT INSPEC-**
19 **TION ACT.**

20 (a) DEFINITION OF DIRECTOR.—Subsection (a) of
21 section 1 of the Federal Meat Inspection Act (21 U.S.C.
22 601(a)) is amended to read as follows:

23 “(a) The term ‘Director’ means the Director of Meat,
24 Poultry, and Eggs Inspection of the Meat, Poultry, and
25 Eggs Inspection Agency.”.

1 (b) REPEAL OF REFERENCES TO SECRETARY OF AG-
2 RICULTURE.—

3 (1) IN GENERAL.—Except as provided in para-
4 graph (2), such Act (21 U.S.C. 601 et seq.) is
5 amended by striking “Secretary” each place it ap-
6 pears and inserting “Director”.

7 (2) EXCEPTIONS.—Sections 1(n)(10), 7(c)(2),
8 and 409(b) (21 U.S.C. 601(n)(10), 607(c)(2), and
9 679(b)) are amended by striking “Secretary of
10 Health, Education, and Welfare” each place it ap-
11 pears and inserting “Secretary of Health and
12 Human Services”.

13 (c) REPEAL OF REFERENCES TO DEPARTMENT OF
14 AGRICULTURE.—Such Act is amended—

15 (1) in section 18 (21 U.S.C. 618), by striking
16 “Department” and inserting “Meat, Poultry, and
17 Eggs Inspection Agency”; and

18 (2) in section 20(e)(4) (21 U.S.C. 620(e)(4)),
19 by striking “Department of Agriculture” and insert-
20 ing “Meat, Poultry, and Eggs Inspection Agency”.

1 **SEC. 113. CLARIFICATION OF AUTHORITY OF DIRECTOR TO**
2 **ADMINISTER THE POULTRY PRODUCTS IN-**
3 **SPECTION ACT.**

4 (a) DEFINITION OF DIRECTOR.—Subsection (i) of
5 section 4 of the Poultry Products Inspection Act (21
6 U.S.C. 453(i)) is amended to read as follows:

7 “(i) The term ‘Director’ means the Director of Meat,
8 Poultry, and Eggs Inspection of the Meat, Poultry, and
9 Eggs Inspection Agency.”.

10 (b) DEFINITION OF AGENCY.—Subsection (q) of sec-
11 tion 4 of such Act (21 U.S.C. 453(q)) is amended to read
12 as follows:

13 “(q) The term ‘inspection service’ means the Meat,
14 Poultry, and Eggs Inspection Agency.”.

15 (c) REPEAL OF REFERENCES TO SECRETARY OF AG-
16 RICULTURE.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), such Act is amended—

19 (A) in the last sentence of section 2 (21
20 U.S.C. 451), by striking “Secretary of Agri-
21 culture” and inserting “Director of Meat, Poul-
22 try, and Eggs Inspection of the Meat, Poultry,
23 and Eggs Inspection Agency”;

24 (B) in sections 4, 5, 6, 7, 8, 9, 11, 12, 13,
25 14, 15, 16, 18, 19, 20, 22, 23, 25, 27, and 29
26 (21 U.S.C. 453 et seq.), by striking “Sec-

retary” each place it appears and inserting “Director”;

(C) in section 17 (21 U.S.C. 466)—

(i) by striking “Secretary of Agriculture” each place it appears and inserting “Director”; and

(ii) in subsection (d)(4), by striking “Secretary” both places it appears and inserting “Director”; and

(D) in section 24(b) (21 U.S.C. 467f(b)), by striking “Secretary” the second place it appears and inserting “Director”.

(2) EXCEPTIONS.—Sections 4(h)(10), 8(b)(2), and 24(b) (21 U.S.C. 453(h)(10), 457(b)(2), and 467f(b)) are amended by striking “Secretary of Health, Education, and Welfare” each place it appears and inserting “Secretary of Health and Human Services”.

SEC. 114. CLARIFICATION OF AUTHORITY OF DIRECTOR TO ADMINISTER THE EGG PRODUCTS INSPECTION ACT.

(a) DEFINITION OF DIRECTOR.—Subsection (x) of section 4 of the Egg Products Inspection Act (21 U.S.C. 1033(x)) is amended to read as follows:

1 “(x) The term ‘Director’ means the Director of Meat,
2 Poultry, and Eggs Inspection of the Meat, Poultry, and
3 Eggs Inspection Agency.”.

4 (b) REPEAL OF REFERENCES TO SECRETARY OF AG-
5 RICULTURE.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), such Act is amended—

8 (A) in the last sentence of section 2 (21
9 U.S.C. 1031), by striking “Secretary of Agri-
10 culture” and inserting “Director of Meat, Poul-
11 try, and Eggs Inspection of the Meat, Poultry,
12 and Eggs Inspection Agency”;

13 (B) in sections 4 (other than subsection
14 (j)), 5, 6, 7, 8 (other than subsection (e)(8)),
15 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, 22, 24,
16 and 26 (21 U.S.C. 1033 et seq.), by striking
17 “Secretary” each place it appears and inserting
18 “Director”;

19 (C) in section 4(j) (21 U.S.C. 1033(j)), by
20 striking “responsible Secretary” and inserting
21 “Director or the Secretary of Health and
22 Human Services, as the case may be,”;

23 (D) in the last sentence of section 5(d) (21
24 U.S.C. 1034(d)), by striking “said Secretaries”

1 and inserting “the Director or the Secretary of
2 Health and Human Services”;

3 (E) in section 8(e)(8) (21 U.S.C.
4 1037(e)(8)), by striking “Secretary of Agri-
5 culture” and inserting “Director”;

6 (F) in section 11 (21 U.S.C. 1040)—

7 (i) by striking “Secretary of Agri-
8 culture” and inserting “Director”; and

9 (ii) by striking “either of said Sec-
10 retaries” and inserting “either the Director
11 or the Secretary of Health and Human
12 Services”;

13 (G) in section 13 (21 U.S.C. 1042), by
14 striking “Secretary of Agriculture” both places
15 it appears and inserting “Director”; and

16 (H) in subsections (c) and (d) of section
17 23 (21 U.S.C. 1052), by striking “Secretary of
18 Agriculture” both places it appears and insert-
19 ing “Director”.

20 (2) EXCEPTIONS.—

21 (A) IN GENERAL.—Paragraph (1)(B) shall
22 not apply to the following uses of the term
23 “Secretary” in such Act:

24 (i) Section 5(d) (21 U.S.C. 1034(d)),
25 the second place the term appears.

1 (ii) Section 5(e)(3) (21 U.S.C.
2 1034(e)(3)), both places the term appears.

3 (iii) Section 5(e)(5) (21 U.S.C.
4 1034(e)(5)), the second place the term ap-
5 pears.

6 (B) OBSOLETE REFERENCES.—Sections
7 13 and 23(d) (21 U.S.C. 1042 and 1052(d))
8 are amended by striking “Secretary of Health,
9 Education, and Welfare” each place it appears
10 and inserting “Secretary of Health and Human
11 Services”.

12 (c) REPEAL OF REFERENCES TO DEPARTMENT OF
13 AGRICULTURE.—Such Act is amended—

14 (1) in section 4(q) (21 U.S.C. 1033(q)), by
15 striking “Department of Agriculture” and inserting
16 “Meat, Poultry, and Eggs Inspection Agency”; and

17 (2) in section 26(a)(2)(C) (21 U.S.C.
18 1054(a)(2)(C)), by striking “Department of Agri-
19 culture” and inserting “Meat, Poultry, and Eggs In-
20 spection Agency”.

21 **SEC. 115. OFFICE OF INSPECTOR GENERAL OF THE**
22 **AGENCY.**

23 (a) TREATMENT OF AGENCY AS A DESIGNATED FED-
24 ERAL ENTITY.—Section 8G(a)(2) of the Inspector General
25 Act of 1978 (5 U.S.C. App.) is amended by inserting “the

1 Meat, Poultry, and Eggs Inspection Agency,” after “the
2 Legal Services Corporation,”.

3 (b) TIME FOR ESTABLISHMENT.—The Office of In-
4 spector General of the Agency required to be established
5 by the Director as a result of the amendment made by
6 subsection (a) shall be established not later than 180 days
7 after the date of enactment of this Act.

8 **Subtitle C—Other Matters**

9 **SEC. 121. DEFINITIONS.**

10 As used in this title:

11 (1) AGENCY.—The term “Agency” means the
12 Meat, Poultry, and Eggs Inspection Agency estab-
13 lished under section 101.

14 (2) DIRECTOR.—The term “Director” means
15 the Director of Meat, Poultry, and Eggs Inspection
16 appointed under section 102(a).

17 (3) INSPECTION LAWS.—The term “inspection
18 laws” means—

19 (A) the Federal Meat Inspection Act (21
20 U.S.C. 601 et seq.);

21 (B) the Poultry Products Inspection Act
22 (21 U.S.C. 451 et seq.); and

23 (C) the Egg Products Inspection Act (21
24 U.S.C. 1031 et seq.).

1 **TITLE II—EXPANSION OF FOODS**
2 **COVERED BY INSPECTION LAWS**

3 **SEC. 201. COVERAGE OF ADDITIONAL MEATS UNDER THE**
4 **FEDERAL MEAT INSPECTION ACT.**

5 The Federal Meat Inspection Act is amended by in-
6 serting after section 2 (21 U.S.C. 602) the following new
7 section:

8 **“SEC. 2A. COVERAGE OF ADDITIONAL MEATS.**

9 “In addition to cattle, sheep, swine, goats, horses,
10 mules, and other equines covered by this Act, the Director
11 may extend the application of this Act to cover other ani-
12 mals (such as deer, bison, and rabbits) intended for
13 human consumption.”.

14 **SEC. 202. COVERAGE OF ADDITIONAL POULTRY UNDER**
15 **THE POULTRY PRODUCTS INSPECTION ACT.**

16 The Poultry Products Inspection Act is amended by
17 inserting after section 5 (21 U.S.C. 454) the following new
18 section:

19 **“SEC. 5A. COVERAGE OF ADDITIONAL POULTRY.**

20 “In addition to chickens and turkeys covered by this
21 Act, the Director may extend the application of this Act
22 to cover other poultry (such as quail, pheasant, and squab)
23 intended for human consumption.”.

1 **TITLE III—ESTABLISHMENT AND**
2 **ENFORCEMENT OF SAFE**
3 **COOKING STANDARDS FOR**
4 **MEAT AND POULTRY PROD-**
5 **UCTS**

6 **SEC. 301. ESTABLISHMENT OF SAFE COOKING STANDARDS.**

7 (a) ESTABLISHMENT.—The Director shall establish,
8 by rule, safe cooking standards for the preparation of
9 meat and poultry products, and foods containing meat and
10 poultry products, at restaurants and other retail food es-
11 tablishments. The Director shall require that all meat and
12 poultry products, and foods containing meat and poultry
13 products, that require cooking or smoking shall be cooked
14 to heat all parts of the item to a temperature established
15 in the standards as sufficient to destroy potentially harm-
16 ful foodborne microorganisms.

17 (b) ENTITIES SUBJECT TO SAFE COOKING STAND-
18 ARDS.—Each restaurant or other retail food establishment
19 operating in the United States shall comply with the safe
20 cooking standards established pursuant to subsection (a),
21 except that the Director may exempt a restaurant or other
22 retail food establishment, or types of restaurants and
23 other retail food establishments, from the standards.

24 (c) EXCEPTION TO COMPLIANCE.—A restaurant or
25 other retail food establishment may deviate from the safe

1 cooking standard applicable to the cooking or smoking of
2 a particular meat or poultry product, or a food containing
3 a meat or poultry product, if a customer orders the item
4 in an uncooked form or to be prepared in a manner that
5 necessitates a lower cooking temperature than the stand-
6 ard.

7 **SEC. 302. ENFORCEMENT OF SAFE COOKING STANDARDS.**

8 (a) ENFORCEMENT.—The Director shall use the offi-
9 cers and employees of the Meat, Poultry, and Eggs Inspec-
10 tion Agency to enforce the safe cooking standards estab-
11 lished under section 301(a).

12 (b) INSPECTIONS.—To ensure compliance with the
13 safe cooking standards established under section 301(a),
14 the Director shall cause to be made, by inspectors ap-
15 pointed for the purpose, an examination and inspection
16 of the preparation of meat and poultry products, and foods
17 containing meat and poultry products, at restaurants and
18 other retail food establishments subject to this title. The
19 examination and inspection shall be conducted with such
20 frequency, and in such manner, as the Director considers
21 necessary, as provided in rules issued by the Director. The
22 Director shall take into account such factors as the Direc-
23 tor considers to be appropriate, including—

1 (1) the nature and frequency of the cooking op-
2 erations at the restaurant or other retail food estab-
3 lishment involved;

4 (2) the adequacy and reliability of the cooking
5 controls and sanitary procedures at the restaurant
6 or establishment; and

7 (3) the history of compliance with inspection re-
8 quirements in effect under this title by the operator
9 of the restaurant or establishment.

10 (c) ACCESS.—For purposes of any examination or in-
11 spection under subsection (b), an inspector shall have ac-
12 cess to every part of a restaurant or other retail food es-
13 tablishment subject to this title during operating hours of
14 the restaurant or establishment.

15 **SEC. 303. CIVIL PENALTY FOR VIOLATIONS OF SAFE COOK-**
16 **ING STANDARDS.**

17 (a) PENALTY.—A restaurant or other retail food es-
18 tablishment subject to this title that violates a safe cook-
19 ing standard established under section 301(a) shall be lia-
20 ble to the United States for a civil penalty assessed under
21 subsection (b) in an amount of not less than \$100, but
22 not to exceed \$1000, for each violation.

23 (b) ASSESSMENT.—

1 (1) HEARING.—A civil penalty payable under
2 subsection (a) may be assessed by the Director only
3 on the record after an opportunity for a hearing.

4 (2) SUBPOENAS.—In connection with a hearing
5 under paragraph (1), the Secretary shall have the
6 power to issue subpoenas.

7 **SEC. 304. EFFECT ON STATE AND LOCAL LAWS.**

8 Nothing in this title precludes a State or local govern-
9 ment from establishing or enforcing any safe cooking
10 standards for the preparation of meat and poultry prod-
11 ucts, and foods containing meat and poultry products, that
12 are not in conflict with the safe cooking standards estab-
13 lished under section 301(a).

14 **SEC. 305. WHISTLEBLOWER PROTECTION.**

15 (a) PROTECTION.—No employee of a restaurant or
16 other retail food establishment subject to this title, and
17 no other person, may be harassed, prosecuted, held liable,
18 or discriminated against in any way because that employee
19 or other person—

20 (1) has notified the Meat, Poultry, and Eggs
21 Inspection Agency of a violation or possible violation
22 of a safe cooking standard established under section
23 301(a); or

24 (2) has testified, is about to testify, has assisted
25 or participated, or is about to assist or participate

1 in a proceeding or other action to enforce the stand-
2 ard.

3 (b) ENFORCEMENT OF PROTECTIONS.—The process
4 and procedures specified in subsections (b), (c), and (d)
5 of section 31105 of title 49, United States Code, shall
6 apply with respect to an alleged violation of subsection (a)
7 of this section in the same manner as such subsections
8 apply to a violation of subsection (a) or (b) of such section
9 405, except that any reference to the Secretary of Labor
10 in such subsections shall be deemed to refer to the Sec-
11 retary of Agriculture for purposes of this subsection.

12 **SEC. 306. DEFINITIONS.**

13 As used in this title:

14 (1) DIRECTOR.—The term “Director” means
15 the Director of Meat, Poultry, and Eggs Inspection
16 appointed under section 102(a).

17 (2) FOOD.—The term “food” has the meaning
18 provided in section 201(f) of the Federal Food,
19 Drug, and Cosmetic Act (21 U.S.C. 321(f)).

20 (3) MEAT.—The term “meat” has the meaning
21 provided the term “meat food product” in section
22 1(j) of the Federal Meat Inspection Act (21 U.S.C.
23 601(j)).

24 (4) POULTRY PRODUCT.—The term “poultry
25 product” has the meaning provided in section 4(f) of

1 the Poultry Products Inspection Act (21 U.S.C.
2 453(f)).

3 (5) RESTAURANT; OTHER RETAIL FOOD ESTAB-
4 LISHMENT.—The terms “restaurant” and “other re-
5 tail food establishment” mean any place at which
6 meat or poultry products, or foods containing meat
7 or poultry products, are cooked or smoked for retail
8 sale to and consumption by a customer without addi-
9 tional cooking by the customer, whether or not the
10 consumption occurs on the premises or elsewhere.
11 The terms include any central kitchen facility that
12 cooks or smokes meat or poultry products, or foods
13 containing meat or poultry products, that are ready
14 to eat when the products or foods leave the facility
15 and are served in meals or as entrees sold to cus-
16 tomers at a restaurant owned or operated by the
17 same person, firm, or corporation owning or operat-
18 ing the facility.

19 **TITLE IV—EPIDEMIOLOGICAL**
20 **ACTIVITIES REGARDING**
21 **FOODBORNE DISEASES**

22 **SEC. 401. EPIDEMIOLOGICAL ACTIVITIES.**

23 Part B of title III of the Public Health Service Act
24 (42 U.S.C. 243 et seq.) is amended by inserting after sec-
25 tion 317F the following new section:

1 **“SEC. 317G. PREVENTION AND CONTROL OF FOODBORNE**
2 **DISEASES.**

3 “(a) IN GENERAL.—The Secretary, acting through
4 the Director of the Centers for Disease Control and Pre-
5 vention, may carry out activities for the prevention and
6 control of foodborne diseases. The Secretary may carry
7 out the activities directly, and through grants to, and co-
8 operative agreements and contracts with, public and non-
9 profit private entities.

10 “(b) POPULATION-BASED SURVEILLANCE REGARD-
11 ING SELECTED DISEASES.—

12 “(1) IN GENERAL.—In carrying out subsection
13 (a), the Secretary, in collaboration with public and
14 nonprofit private entities, shall select specific popu-
15 lations and, with respect to the selected populations,
16 carry out the following activities regarding foodborne
17 diseases:

18 “(A) Monitor the incidence and prevalence
19 of the diseases.

20 “(B) Carry out activities to identify the
21 pathogenic agents for the diseases.

22 “(C) Determine the extent to which var-
23 ious treatments are effective responses to the
24 agents so identified.

1 “(D) Carry out activities to determine the
2 circumstances under which individuals are at
3 risk of the diseases.

4 “(E) Evaluate efforts to control the dis-
5 eases.

6 “(F) Such other activities as the Secretary
7 determines to be appropriate.

8 “(2) SELECTION OF DISEASES FOR STUDY.—
9 The Secretary shall select the foodborne diseases
10 with respect to which paragraph (1) is to be carried
11 out. For purposes of the preceding sentence, the
12 Secretary may select conditions that have, or have
13 not, been scientifically named, and may select patho-
14 genic agents.

15 “(c) ACTIVITIES REGARDING NEW AND EMERGING
16 FOODBORNE PATHOGENS.—In carrying out subsection
17 (a), the Secretary, in collaboration with States, shall carry
18 out the following activities regarding new and emerging
19 foodborne pathogens:

20 “(1) Collect data on the incidence and preva-
21 lence of the pathogens throughout the States.

22 “(2) Conduct epidemiological research on the
23 pathogens, including research to identify significant
24 strains and research to determine whether different
25 strains can cause the same foodborne disease.

1 “(3) Assist the States in developing the capabil-
2 ity to identify the pathogens.

3 “(4) Carry out demonstration projects for the
4 control of foodborne diseases caused by the patho-
5 gens, including projects for disseminating informa-
6 tion on the treatment of the diseases.

7 “(5) Such other activities as the Secretary de-
8 termines to be appropriate.

9 “(d) SUPPLIES AND SERVICES IN LIEU OF FINAN-
10 CIAL ASSISTANCE.—

11 “(1) IN GENERAL.—On the request of a recipi-
12 ent of an award of a grant, or a party that enters
13 into a cooperative agreement or contract, under this
14 section, the Secretary may, subject to paragraph (2),
15 provide supplies, equipment, and services for the
16 purpose of aiding the recipient or party to carry out
17 the program involved. For the purpose, the Sec-
18 retary may detail to the recipient or party any offi-
19 cer or employee of the Department of Health and
20 Human Services.

21 “(2) CORRESPONDING REDUCTION IN PAY-
22 MENTS.—With respect to a request described in
23 paragraph (1), the Secretary shall reduce the
24 amount of payments under the award involved by an
25 amount equal to the costs of detailing officers and

1 employees and the fair market value of any supplies,
2 equipment, or services provided by the Secretary.
3 The Secretary shall, for the payment of expenses in-
4 curred in complying with the request, expend the
5 amounts withheld.

6 “(e) TECHNICAL ASSISTANCE.—The Secretary may
7 provide technical assistance to public and nonprofit pri-
8 vate entities with respect to the planning, development,
9 and operation of any program or service carried out pursu-
10 ant to this section. The Secretary may provide the tech-
11 nical assistance directly or through grants, cooperative
12 agreements, or contracts.

13 “(f) AUTHORIZATIONS OF APPROPRIATIONS.—

14 “(1) IN GENERAL.—For the purpose of carry-
15 ing out this section other than activities under sub-
16 sections (b) and (c), there are authorized to be ap-
17 propriated such sums as may be necessary for each
18 of fiscal years 1995 through 1999.

19 “(2) POPULATION-BASED SURVEILLANCE RE-
20 GARDING SELECTED DISEASES.—For the purpose of
21 carrying out subsection (b), there are authorized to
22 be appropriated \$7,000,000 for fiscal year 1995,
23 and such sums as may be necessary for each of fis-
24 cal years 1996 through 1999.

1 “(3) ACTIVITIES REGARDING NEW AND EMERG-
 2 ING FOODBORNE PATHOGENS.—For the purpose of
 3 carrying out subsection (c), there are authorized to
 4 be appropriated \$5,000,000 for fiscal year 1995,
 5 and such sums as may be necessary for each of fis-
 6 cal years 1996 through 1999.

7 “(4) AVAILABILITY OF FUNDS FOR STAFF-
 8 ING.—The purposes for which amounts appropriated
 9 under paragraph (1), (2), or (3) may be expended
 10 shall include defraying costs incurred in employing
 11 officers and employees of the Centers for Disease
 12 Control and Prevention. Amounts available for a fis-
 13 cal year pursuant to the preceding sentence shall be
 14 in addition to any other amounts that are available
 15 for the year for program management regarding the
 16 Centers.”.

17 **TITLE V—RESEARCH ON TREAT-**
 18 **MENT OF FOODBORNE DIS-**
 19 **EASES**

20 **SEC. 501. RESEARCH ON TREATMENT; NATIONAL INSTI-**
 21 **TUTE OF DIABETES AND DIGESTIVE AND KID-**
 22 **NEY DISEASES.**

23 Subpart 3 of part C of title IV of the Public Health
 24 Service Act (42 U.S.C. 285c et seq.) is amended by adding
 25 at the end the following new section:

1 **“SEC. 434A. FOODBORNE DISEASES.**

2 “(a) IN GENERAL.—In carrying activities under sec-
3 tion 426, the Director of the Institute shall conduct or
4 support activities regarding foodborne diseases, including
5 research on the treatment of the diseases.

6 “(b) CLINICAL GUIDELINES.—In carrying out sub-
7 section (a), the Director of the Institute shall develop clini-
8 cal guidelines on the treatment of foodborne diseases.

9 “(c) DATA SYSTEM; CLEARINGHOUSE.—The activi-
10 ties of the National Digestive Diseases Data System under
11 section 427(b) shall include activities regarding foodborne
12 diseases. The activities of the National Digestive Diseases
13 Information Clearinghouse under such section shall in-
14 clude activities regarding foodborne diseases, including ac-
15 tivities regarding clinical guidelines developed under sub-
16 section (b).”.



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